

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JASON ROBERT HARRISON,

Petitioner,

vs.

PETER BLUDWORTH, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

Cause No. CV 21-56-H-DLC-KLD

ORDER

Pending before the Court is Petitioner Jason Robert Harrison's habeas corpus action filed under 28 U.S.C. § 2254. See, (Doc. 1.) On April 19, 2022, the State was directed to file various documents from the state court record and was given until June 24, 2022, to do so. (Doc. 7.) On June 24, 2022, the State complied. See, (Docs. 10 to 10-15.) Pursuant to this Court's prior order and Rule 4, Rules Governing § 2254 Cases, Mr. Harrison has 21 days from the State's service of the documents to advise the Court if he believes the State's exhibits are not the correct documents from the state-court record. (Doc. 7 at 3.)

On June 15, 2022, nine days prior to the expiration of the State's filing

deadline, Mr. Harrison filed a “Motion for Summary Judgment” based upon the State’s purported untimely filing. The motion is baseless and will be denied.

Following the State’s filing of the documents, Mr. Harrison notified the Court that he had not yet received his copy of the state court exhibits. (Doc. 11.) Mr. Harrison appears to be concerned that he will not have adequate time to file his notice if he believes the exhibits to be the incorrect docket items. *Id.*

The Court understands Mr. Harrison’s concern. He will have 21 days from when he physically receives the documents within which to notify the Court of any issues. Respondents’ certificate of service indicates the documents were mailed to Mr. Harrison on June 24, 2022. (Doc. 19 at 4.) Given the voluminous nature of the exhibits and the federal holiday which occurred in the interim, it is possible that the mailing to Mr. Harrison was delayed. Should Mr. Harrison need additional time, he may advise the Court accordingly.

IT IS HEREBY ORDERED:

1. Mr. Harrison’s Motion for Summary Judgment (Doc. 9) is DENIED.
2. Within 21 days of receiving the physical copy of Respondent’s exhibits, Mr. Harrison should notify the Court if he has reason to believe the State’s exhibits are not the correct documents from the state-court record. He must also state his basis for denying their correctness

Harrison must immediately notify the Court of any change in his mailing

address by filing a “Notice of Change of Address.” Failure to do so may result in dismissal of this case without notice to him.

DATED this 8th day of July, 2022.

/s/ Kathleen L. DeSoto
Kathleen L. DeSoto
United States Magistrate Judge